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COMMISSION ON HUMAN RIGHTS
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EFFECTIVE FUNCTIONING OF HUMAN RIGHTS MECHANISMS: ADAPTATION AND STRENGTHENING OF THE UNITED NATIONS MACHINERY FOR HUMAN RIGHTS

Joint written statement submitted by Amnesty International, the Association for the Prevention of Torture, the Friends World Committee for Consultation (Quakers), Human Rights Watch, the International Commission of Jurists, the International Federation of ACAT (Action of Christians for the Abolition of Torture) and the International Federation of Human Rights Leagues, non-governmental organizations in special consultative status

The Secretary-General has received the following written statement which is circulated in accordance with Economic and Social Council resolution 1996/31.

[16 January 2002]

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*This written statement is issued, unedited, in the language(s) received from the submitting non-governmental organization(s).

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Standing Invitations to Thematic Human Rights Mechanisms

The UN High Commissioner for Human Rights, Mary Robinson, in her statement to the UN General Assembly on 6 November 2001, as well as in her statement to the Informal One Day Meeting of the Commission on Human Rights (25 September 2001) stated that "a practical way to demonstrate the commitment of States to cooperation is through extending standing or open invitations to special rapporteurs allowing them to visit." This is also reflected in her report to the 56th Session of the UN General Assembly (A/56/36, paragraph 67).

The above-named non-governmental organisations welcome the decision of the governments of Austria, Belgium, Bulgaria, Canada, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, Mexico, Netherlands, Norway, Poland, Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, Turkey and United Kingdom of Great Britain and Northern Ireland1 to extend standing invitations to all the thematic mechanisms of the UN Commission on Human Rights to visit their country. In this way, they have demonstrated their willingness to cooperate with these mechanisms and their commitment to the promotion and protection of human rights through the United Nations system. We urge other governments also to issue such standing invitations.

Background:
Since the 1980s, the UN Commission on Human Rights has established a number of thematic human rights mechanisms, known generically as the "Special Procedures". These consist of Special Rapporteurs, Special Representatives, Working Groups and Independent Experts who are charged with considering a specific human rights issue in relation to all countries in the world. As part of their work, the Special Procedures visit countries in order to examine at first hand the situation in relation to the issue in their mandate, and report to the Commission on these visits.

In order to undertake a country visit, the individual thematic mechanism has to be invited by the State concerned. At present, the process is almost always initiated by the Special Procedures themselves approaching the State expressing the wish to visit and asking for the necessary invitation. Some States respond promptly to such requests, some respond eventually and some fail to respond. This also means that resources are used in soliciting invitations rather than on the implementation of the mandates.

Since all the Special Procedures are established by resolution of the Commission on Human Rights in which all the Member States of the UN can participate and since country missions are part of the established methods, States should do their best to facilitate such visits.

A simple and effective way of doing this, is for States to issue a Standing Invitation to visit their country to all the thematic Special Procedures of the Commission. This would:

1. demonstrate their commitment to co-operation with these procedures;
2. enhance the efficiency of the process by reducing delays and decreasing the administrative burdens on all parties;
3. de-politicise the process of country visits by shifting the focus away from the question of access to questions of substance;
4. enable the procedures (individually and corporately) to plan and prioritise visits more effectively, knowing that the invitation to visit already exists and remains open.

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1 In total 33 states have extended a standing invitation to the thematic special procedures of the CHR so far.

Practicalities:

1. A State could announce its decision to extend a Standing Invitation to the Special Procedures at the Commission on Human Rights. The wording used by Norway was: *"Norway would also like to extend an open invitation to all Special Rapporteurs and other mechanisms under this Commission to visit us at any time,* 2 or
2. A State could deposit the standing invitation with the High Commissioner for Human Rights. A simple letter to this effect, lodged with the High Commissioner, would be sufficient. A request that the letter be circulated as a document of the Commission on Human Rights would ensure that the invitation was brought to the attention of other states and non-governmental organisations.
3. The Office of the High Commissioner for Human Rights would establish and maintain a list of such invitations, circulate it to the Special Procedures and their staff in the office
4. The Special Procedure wishing to take up such an invitation would contact the government to inform them of the intention to visit and to arrange the timing, and other aspects of the visit as at present.

Commentary:

In practice, for those States who accept visits from Special Procedures already, there would be no substantive difference. Indeed, there may be less pressure to seek visits precisely because they can be undertaken at any time, and because of the demonstrated openness to visits.

Since the Special Procedures would still be undertaking visits only at the invitation of the Governments, albeit a standing invitation, it does not infringe State sovereignty in any way. At the same time, as a growing number of States issue such invitations, it would facilitate the work of the Special Procedures and demonstrate the good faith of States in accepting their obligation to co-operate effectively with the mechanisms which they themselves have created through the Commission on Human Rights.

Recommendations:

The above named non-governmental organisations call on the Commission on Human Rights to adopt a resolution:

1. Urging all states which have not yet done so to issue standing invitations for country visits to all thematic human rights mechanisms of the UN Commission on Human Rights;
2. Urging all those that have already extended a standing invitation to encourage all those states that have not yet done so to consider doing so and
3. Requesting the Office of the UN High Commissioner for Human Rights to draw this possibility to the attention of states, to establish a list of states which have issued such standing invitations and to circulate it regularly to the Special Procedures and their staff in the OHCHR, and to submit the list annually to the Commission as well as placing it on the website of the Office.

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2 Hilde F Johnson, Minister for International Development and Human Rights of Norway, 26 March 1999.